

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

ELIZABETH CARRASQUILLO, et als.,

Plaintiffs,

v.

AMERICAN AIRLINES, INC.,

Defendant.

Civil No. 13-1449 (GAG)

OPINION AND ORDER

Plaintiffs allege they were wrongfully terminated by American Airlines, Inc. (“Defendant”), in violation of Law 80, Puerto Rico’s wrongful discharge statute. P.R. LAWS ANN. tit. 29 §§ 185a-185m. (Docket No. 1.) Specifically, Plaintiffs argue Defendant violated Law 80’s seniority clause because they failed to properly conduct an analysis of Plaintiffs’ seniority, by occupational classification, based on all company employees including Defendant’s offices outside Puerto Rico. (Docket No. 1)

On May 30, 2014, Defendant moved for summary judgment and dismissal of Plaintiffs’ claims. (Docket Nos. 56 & 57.) In turn, Plaintiffs request the court compel Defendant to produce discovery, that they claim is necessary to oppose Defendant’s motion for summary judgment. (Docket No. 58.) Specifically, they request the court compel Defendant to produce documents relating to its operations and transfer of employees, including those of offices located outside Puerto Rico. Id. On June 25, 2014, Magistrate Judge Marcos Lopez issued a Report and Recommendation (“R&R”) granting in part and denying in part Plaintiffs’ motion to compel. (Docket No. 61) Both parties timely field their oppositions to the R&R. (Docket Nos. 62 & 63.) After careful review, the undersigned **ADOPTS** the R&R at Docket No. 61 as follows, and **GRANTS in part and DENIES in part** Plaintiffs’ motion to compel at Docket No. 58.

Magistrate Judge Lopez’s R&R suggests two possible courses of action. First, the court could certify the issue to the Puerto Rico Supreme Court. Alternatively, the court could rule on

Civil No. 13-1449 (GAG)

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1 Plaintiffs' motion to compel relying on Reyes Sanchez v. Eaton, 2013 PRSC 148 (2013) (Docket
2 No. 47-1) as precedent, limiting discovery to "information regarding seniority of employees within
3 Puerto Rico and of transfers made within Puerto Rico." (Docket No. 61 at 5.) The undersigned
4 chooses the latter road.

5 Defendants oppose Plaintiffs' motion to compel, arguing that Plaintiffs' request regarding
6 the seniority calculation under Law 80 is without merit, according to a recent opinion issued by the
7 Puerto Rico Supreme Court. In Reyes Sanchez, 2013 PRSC 148 (2013) (Docket No. 47-1), the
8 Puerto Rico Supreme Court discussed the scope of Law 80's seniority calculation and held that the
9 provision does not extend to an employer's overseas operations and transfer of employees.¹ The
10 court finds this issue has already been decided by the Puerto Rico Supreme Court, therefore,
11 certification is not necessary. Moreover, the court adopts and incorporates the R&R's discussion
12 regarding the scope of Law 80's seniority calculation and legislative intent. (See Docket No. 61 at
13 5-7.)

14 As recommended by Magistrate Judge Lopez, the court **GRANTS in part and DENIES in**
15 **part** Plaintiffs' motion to compel. (See Docket No. 61 at 7-10.)

16 **SO ORDERED.**

17 In San Juan, Puerto Rico this 16th day of July, 2014.

18 *S/Gustavo A. Gelpí*

19 GUSTAVO A. GELPÍ

20 United States District Judge

21 _____
22 ¹ As to the scope of Law 80's seniority calculation the Puerto Rico Supreme Court stated:

23 As to the transfers alleged which arose from establishments in other jurisdictions,
24 we believe Article 3 of the Law does not require an analysis of movement of
25 personnel between the company's establishments on an intentional level. This
analysis is limited to determining the frequency of transfers of employees between
the company's establishments in the jurisdiction of Puerto Rico.

26 Consequently, movement of personnel or transfers from Eaton's plants in other
27 jurisdictions is not considered a transfer for purposes of establishing the frequency
of transfers between the company's establishments in Puerto Rico.

28 Reyes Sanchez, at 24-25. (Docket No. 47-1 at 25.)